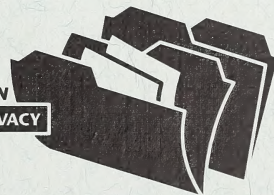



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Annual Report 1997-98

**FREEDOM OF INFORMATION
AND PROTECTION OF PRIVACY**





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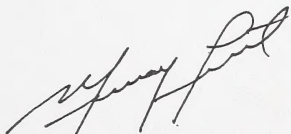
November 1998

Honourable Ken Kowalski
Speaker
Legislative Assembly of Alberta
325 Legislature Building
Edmonton, Alberta

Dear Sir:

In accordance with Section 82 of the *Freedom of Information and Protection of Privacy Act*, I have the honour to submit the third annual report on the operation of said *Act* for the fiscal year ended March 31, 1998.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Murray Smith', with a stylized flourish at the end.

Murray Smith, MLA
Minister

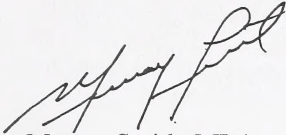
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The 1997-98 fiscal year marked the third year that Alberta's *Freedom of Information and Protection of Privacy (FOIP) Act* has been in operation. The *Act* demonstrates the government's commitment to open and accountable government for Albertans and to the protection of privacy.

Every day government handles thousands of routine requests for information. When records cannot be released routinely, for example because of privacy concerns, a FOIP request may be made. This annual report shows that the vast majority of FOIP requests are being dealt with in an efficient and timely manner and resulting in either full or partial disclosure of the information requested.

Under the *Act*, we are committed to reviewing its performance to see if improvements are appropriate. In 1998, a Special Select Committee of the Legislative Assembly will be conducting the first review of the FOIP legislation. I look forward to the comments of the all-party committee chaired by Gary Friedel, MLA. In addition, we will be finalizing preparations for extension of the *Act* to local public bodies and providing support services to them to simplify this task.

Once again, I would like to thank the Information and Privacy Commissioner, government staff and elected officials for their support in the administration of this important legislation.

A handwritten signature in black ink, appearing to read 'Murray Smith', is positioned above the printed name.

Murray Smith, MLA
Minister of Labour

The *Freedom of Information and Protection of Privacy Act* currently applies to government ministries, agencies and affiliated public bodies. The administration of the *Act* is supported by Alberta Labour.

Each of the public bodies mentioned above has a Freedom of Information and Protection of Privacy (FOIP) Coordinator to respond to requests and undertake initiatives related to protecting personal privacy.

In 1997-98, Alberta Labour also played a role in assisting local public bodies to prepare for the extension of the *FOIP Act*. The local public bodies defined in the *Act* are school jurisdictions, health care bodies, post-secondary educational institutions and local governments. The *Act* will apply first to school jurisdictions and health care bodies in the fall of 1998. The others will have the *Act* apply to them in 1999.

FOIP Coordinators have been appointed for most local public body sectors and orientation sessions have been provided. Alberta Labour has also been working with other departments, such as Health, Education, Advanced Education and Career Development, and Municipal Affairs, to provide regular network meetings for local public bodies. New publications and sector-specific training materials have been developed to guide local public bodies.

Training continued to be offered to Alberta government employees, with over 250 employees attending FOIP training. In the fall of 1997, the training program was also expanded to cover local public bodies. Over 150 participants from school jurisdictions received training, nearly 100 from health care bodies, and over 110 from post-secondary educational institutions. Additional training will continue to be offered to enable effective implementation of the legislation.

The third annual Information and Privacy Conference, held in Edmonton on April 28 and 29, 1997, attracted over 400 registrants, 120 more than the previous year. The conference was co-hosted by Alberta Labour and the Office of the Information and Privacy Commissioner. Participants were offered presentations and workshops by 18 speakers over the two days.

The FOIP home page on the World Wide Web continues to offer Internet users with easy to access information on the *Act* and its implementation. New links from the Government of Alberta and Alberta Labour home pages have helped improve access.

The FOIP home page can be found at:
<http://www.gov.ab.ca/foip>.

4a) Requests Received Under the Act

Government departments routinely release a great quantity and variety of information on a regular basis. The *FOIP Act* is used only when information is not available through regular channels.

In the fiscal year from April 1, 1997 to March 31, 1998, a total of 1238 Freedom of Information requests were received by government departments, agencies and affiliated public bodies. In addition, there were 10 requests for correction of personal information.

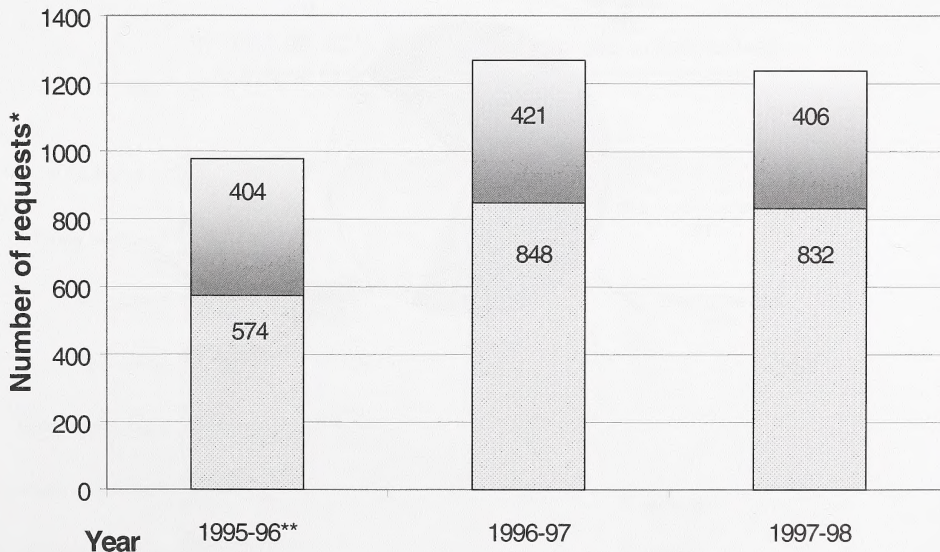
This number is down slightly from the 1269 requests (and one correction request) received in 1996-97. Fewer requests for both general information and personal information were received in 1997-98, compared to the previous year.

In 1997-98, two-thirds of the requests received were from individuals seeking records containing information about themselves.

The remaining one-third of requests were made for general information. In this category, the top four users of the *Act* were businesses, accounting for 44 per cent of requests; the general public made 25 per cent of requests; and elected officials and news media made 11 per cent of requests each.

In the previous year, businesses were again the biggest user of the *Act* at 33 per cent of requests, followed by the general public at 30 per cent, news media at 16 per cent, and interest groups at 10 per cent.

Number of FOIP requests over the past three years

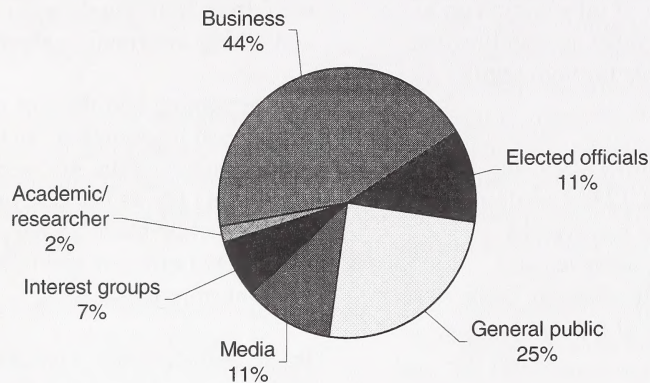


* Excludes requests for correction

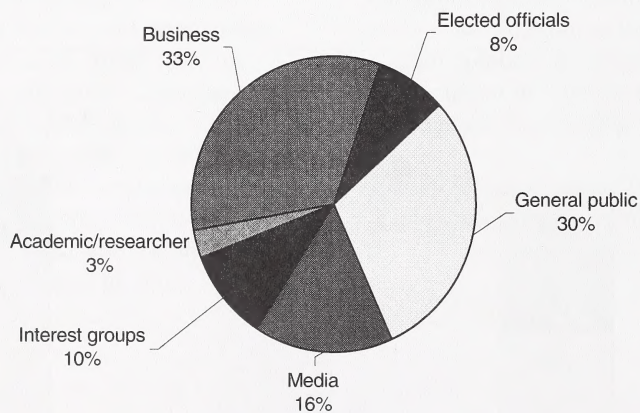
** The FOIP Act was proclaimed on October 1, 1995

■ General information
■ Personal information

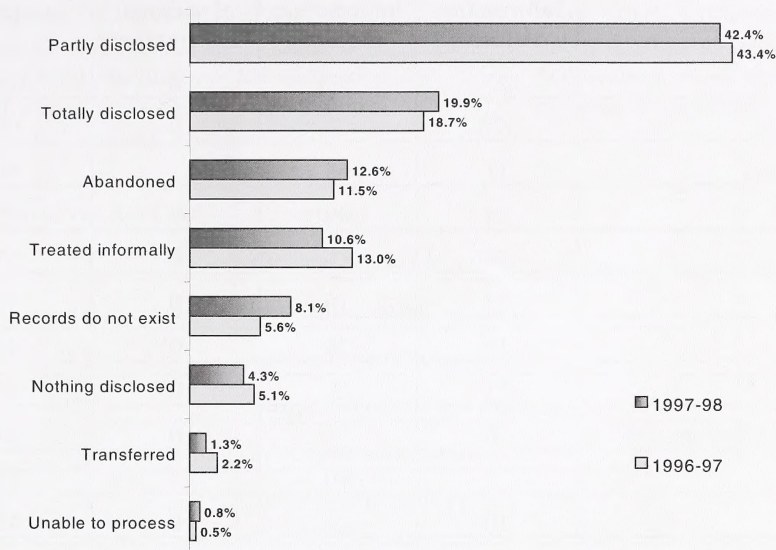
Businesses made 44% of the general information requests received in 1997-98



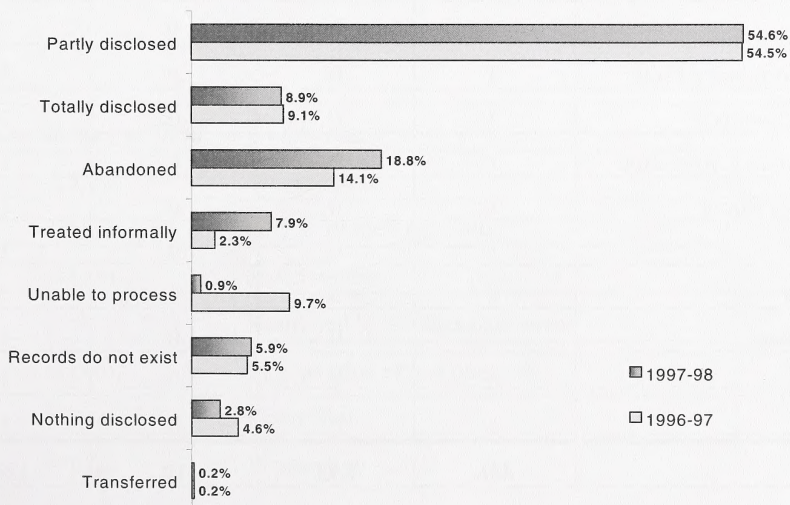
Businesses made 33% of the general information requests received in 1996-97



In 1997-98, 62% of general information requests resulted in totally or partly disclosed records



In 1997-98, 63% of personal information requests resulted in totally or partly disclosed records



**4b) Distribution of Requests Received Under the Act by Public Body -
April 1, 1997 to March 31, 1998**

Public Body	General information requests	Personal information requests	Correction of personal information	Total requests
Family and Social Services	23	630	6	659
Environmental Protection	125	2	0	127
Workers' Compensation Board	11	68	1	80
Justice	24	49	2	75
Treasury	54	3	0	57
Labour	33	16	0	49
Health	13	28	0	41
Transportation and Utilities	31	2	0	33
Agriculture, Food and Rural Development	20	1	0	21
Community Development	7	10	1	18
Municipal Affairs	10	5	0	15
Education	8	6	0	14
Energy	12	2	0	14
Advanced Education and Career Development	1	8	0	9
Alberta Gaming and Liquor Commission	9	0	0	9
Economic Development	7	1	0	8
Executive Council	7	0	0	7
Intergovernmental and Aboriginal Affairs	3	0	0	3
Public Works, Supply and Services	2	0	0	2
Agriculture Financial Services Corporation	1	0	0	1
Alberta Energy and Utilities Board	1	0	0	1
Alberta Research Council	1	0	0	1
Alberta Treasury Branches	1	0	0	1
Legislative Assembly Office	1	0	0	1
Office of the Ombudsman	0	1	0	1
Public Affairs Bureau	1	0	0	1
Total requests	406	832	10	1248

4c) Exceptions and Exclusions

When public bodies sever information from a record, or withhold a record, they must indicate the section of the *Act* that authorizes the decision not to disclose information. The following table summarizes the sections of the *Act* that were cited when records were not completely disclosed. The number of

occurrences indicates the number of requests where that section of the *Act* was used to sever information. Because several sections may be used on a single request, the number of occurrences is not related to the number of requests completed.

Section of the <i>Act</i> Used	Exceptions	Number of Occurrences
16	Personal privacy of a third party	594
19	Law enforcement	86
23	Advice from officials	75
15	Business interests of a third party	54
26	Privileged information	31
24	Economic harm to a public body or government	19
20	Intergovernmental relations	14
21	Cabinet and Treasury Board confidences	14
17	Individual or public safety	10
18	Confidential evaluations	8
25	Testing procedures, tests and audits	5
28	Information otherwise available to the public	4

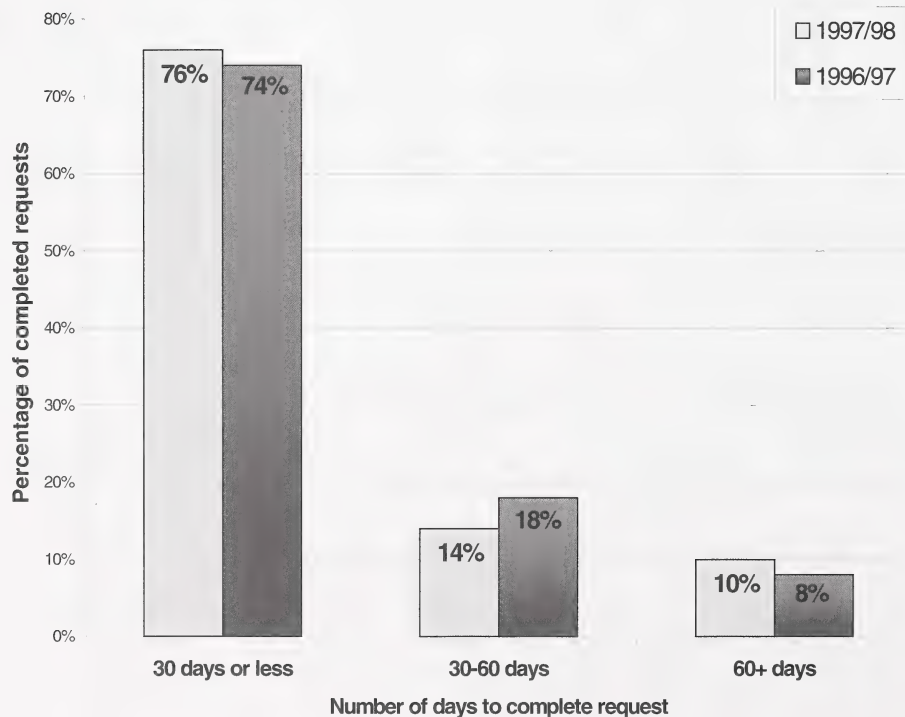
Section of the <i>Act</i> Used	Exclusions	Number of Occurrences
4(1)(l)	MLA record	23
4(1)(c)	Officer of the Legislature	22
4(1)(b)	Judicial record	15
5	Restricted by another enactment	13
4(1)(d)	Examination or test question	6
4(1)(a)	Court file	4
4(1)(g)	Prosecution record	2

4d) Response Times

The *Act* states that normally a request must be completed within 30 days of the date it was received. The *Act* allows extensions under three circumstances. An extension may be allowed if more time is needed to consult with another public body or with a third party, the request does not provide sufficient detail to allow identification of the requested record, or if a large number of records are involved.

Overall, 76 per cent of requests were completed within 30 days of receiving the requests. Another 14 per cent were completed within 30 to 60 days. The remaining 10 per cent were completed in more than 60 days.

76% of requests were completed in 30 days or less



5a) Expenditures

The Information Management and Privacy Branch of Alberta Labour spent \$854,546 in 1997-98. Additional costs were incurred by each of the public bodies subject to the *Act*. Expenditures by the Office of the Information and Privacy Commissioner are also related to the administration of the *Act* and are reported annually by that office.

5b) Fees

The fee schedule for processing FOIP Requests is set out in Schedule 2 of the *FOIP Regulation*. In 1997-98, just over \$31,000 in fees were collected.

General information requests

For general information requests, a \$25 initial fee is required at the time the request is made. Additional charges may be applied for time spent locating, retrieving and preparing records for disclosure; computer programming and processing; and copying of records.

Public bodies may not charge for the time spent reviewing records to determine the need for severing. Once a request is received, a fee estimate is prepared; if the estimate is less than \$150, no additional fees are collected from the applicant.

The *Act* allows for continuing requests, where the request remains active for a specified period of time up to two years. The initial fee for a continuing request is \$50. Seven such requests were received in 1997-98.

Personal information requests

Applicants requesting their own information pay only copying charges, and only if the charges exceed \$10.

Total fees collected

Type of fee	Amount collected	
	1997-98	1996-97
General information requests		
Initial fees	\$ 8,900	\$ 7,350
Other general fees	8,831	15,800
Personal information requests		
Copying	13,381	6,764
Total	\$31,112	\$29,914

Fee waivers

Public bodies and the Information and Privacy Commissioner may waive fees if the applicant cannot afford payment; the record relates to a matter of public interest; or for any other reason that is fair to excuse payment. The amount of these fee waivers is shown in the following table.

Type of request	Amount waived	
	1997-98	1996-97
General information requests	\$1,067	\$1,572
Personal information requests	1,359	1,065
Total	\$2,426	\$2,637

Fees are often reduced or eliminated by clarifying requests and providing only the records actually needed by the applicant. The value of fees eliminated in this way cannot be calculated.

For more information:

Alberta Labour
Information Management and Privacy
2nd Floor, 10808 – 99 Avenue
Edmonton, Alberta
T5K 0G5

Telephone: 403/422-2657
Facsimile: 403/427-1120
E-mail: FOIP.Inquiries@gov.ab.ca
Web Site: <http://www.gov.ab.ca/foip>

Copies of this report are available from:

Alberta Labour
Communications
10th Floor, 10808 – 99 Avenue
Edmonton, Alberta
T5K 0G5

Telephone: 403/427-5585
Facsimile: 403/427-5988
E-mail: commshare@lab.gov.ab.ca
Web Site: <http://www.gov.ab.ca/lab>

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